

REMARKS

Claims 1-19 are now pending in the application. The amendments to the claims contained herein are of equivalent scope as originally filed and, thus, are not a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejection(s) in view of the amendments and remarks contained herein.

DRAWINGS

The drawings stand objected to for certain informalities. More specifically, the drawings are objected to under 37 CFR 1.83(a) because they fail to show an integral bracket referred to as #60 in the specification. Applicant has deleted reference to #60 in the specification as enumerated in "Amendments To Specification" on page 2 of this paper. Therefore, Applicant respectfully requests the Examiner to withdraw the objection to drawings.

REJECTION UNDER 35 U.S.C. § 102

Claims 1, 3, 8, and 14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Krider (U.S. Pat. No. 5,336,856). This rejection is respectfully traversed.

With respect to Claims 1, 8, and 14, Krider does not show, teach, or suggest that said inner spout portion extends into said space and terminates at a non-zero angle relative to an axis along which said exit and noise cancellation ports lie. Specifically, in one embodiment, Krider requires the conduit 14 to extend through the side aperture 76 and *terminate coaxially* with and inside the tail pipe 16. Page 6 at line 68 and page 7 at line 1 (emphasis added). Furthermore, in another embodiment, Krider requires the

conduit 52 to remain *straight and unbent*, thereby advantageously further reducing back pressure on the exhaust system. Page 7 at lines 12-14 (emphasis added). Krider's requirements that the conduit terminate coaxially with and inside the tail pipe 16 or that the conduit be straight and unbent necessarily imply that the conduit must terminate parallel to an axis along which the outlet 56 and the tail pipe exit 17 lie.

This, however, is contrary to Applicant's express claim limitation. Specifically, by virtue of the arcuate wall 16 having a radius R and the curved side wall 20 that bound said space 12, the inner spout portion 14 of the conduit 42 must bend and must extend into said space 12 and terminate at a non-zero angle relative to an axis along which said exit port 24 and said noise cancellation port 58 lie. That is, unlike Krider, the inner spout portion 14 cannot be straight and unbent and cannot terminate parallel to the axis along which said exit and noise cancellation ports lie.

Therefore, Claims 1, 8, and 14 are not anticipated by Krider under 35 U.S.C. §102(b). For at least the foregoing reasons, reconsideration and withdrawal of the rejection of Claims 1, 8, and 14 is respectfully requested.

Without acceding to the correctness of the Examiner's remarks thereover, Claim 3 depends from Claim 1 and is therefore allowable for at least the reasons set forth above with respect to Claim 1. Therefore, reconsideration and withdrawal of the rejection of Claim 3 is respectfully requested.

CLAIM OBJECTIONS

Claims 9 and 15 recite the limitation "said pipe" and are objected to because of insufficient antecedent basis. Claims 9 and 15 now correctly recite the limitation "said

conduit" with sufficient antecedent basis. Therefore, reconsideration and withdrawal of the objection to Claims 9 and 15 is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

Claims 2, 4, 9, 10, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krider (U.S. Pat. No. 5,336,856). This rejection is respectfully traversed.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 2 and 4 depend directly or indirectly from the independent Claim 1 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 1.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 9 and 10 depend directly or indirectly from the independent Claim 8 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 8.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 15 and 16 depend directly or indirectly from the independent Claim 14 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 14.

Finally, Claims 5-7, 11-13, and 17-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Krider (U.S. Pat. No. 5,336,856) in view of Shipps (U.S. Pat. No. 6,072,880). This rejection is respectfully traversed.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 5 and 7 depend directly or indirectly from the independent Claim 1 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 1.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 11 and 13 depend directly or indirectly from the independent Claim 8 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 8.

Without acceding to the correctness of the Examiner's remarks thereover, Claims 17 and 19 depend directly or indirectly from the independent Claim 14 and are therefore believed to be in condition for allowance for the reasons set forth above with respect to Claim 14.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Respectfully submitted,

Dated: 8/15/06

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